

REMARKS

This paper responds to the Office Action mailed on November 23, 2005, and the references cited therewith. Claims 21 and 27 are amended, no claims are cancelled or added. Claims 1-32 remain pending in this application.

Objections

The abstract objection stated that clear and concise details of preferred modifications should be included. Applicant has amended the abstract to include additional description. Although additional description has been added to the abstract, the scope of the patent is not so limited, and should be determined by the claims in light of the specification as a whole.

Claims 21-32 were objected to for informalities. Claims 21 and 27 have been amended pursuant to the Examiner's suggestion to correct antecedent basis issues. Applicant respectfully requests withdrawal of the objections.

Declaration and Power of Attorney

A new oath or declaration was required in compliance with 37 C.F.R. 1.67(a). A newly executed Declaration (and Power of Attorney) identifying this application by application number and filing date will be forwarded to the U.S. Patent Office as soon as the executed documents are received.

§102 Rejection of the Claims

Claims 1-3, 5-8, 10-15, 17-18 and 21-32 were rejected under 35 U.S.C. § 102(b) for anticipation by Ludwig et al. (PCT Publication No. WO 2002/09152, with English equivalent translated as US. Publication No. 2003/0140331). Applicant respectfully traverses the rejection for at least the following reasons.

The rejection states that "the region identified or determined corresponds to the critical region 2 (see Fig. 5A and paragraph [0072]); wherein the at least one feature corresponds to the overlap region 13." Ludwig appears to recite a number of non-transparent regions 2 that overlap at region 13. Ludwig also appears to recite subtracting the intersecting portion 13 that signals a phase conflict in a phase shift mask arrangement (paragraph [0072]).

However, the portion 13, is not *surrounded* by the region 2, and when removed, region 2 does not form a ring like region. Figures 5A and 5B show region 13 being open on at least one side, with portions of region 2a touching sides of region 13, but diminishing to point contact at corners of region 13. In contrast, claim 1 includes identification of a region within the pattern that surrounds at least one feature in the pattern, and subtraction of the feature from within the region, leaving a two dimensional ring-like region. Independent claims 8, 15, 21, and 27 include similar language.

Because the Ludwig reference does not show every element of Applicant's independent claims, a 35 USC §102(b) rejection is not supported. Reconsideration and withdrawal of the rejection are respectfully requested with respect to claims 1-3, 5-8, 10-15, 17-18 and 21-32.

§103 Rejection of the Claims

Claims 4, 9, and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ludwig et al. in view of Broeke et al. (U.S. Publication No. 2004/0209170). Claims 19-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ludwig et al. in view of Jin (U.S. Publication No. 2005/0051873). Applicant respectfully submits that the additional references of Broeke and Jin fail to cure the rejection based on Ludwig for at least the reasons outlined above.

Because the cited references, either alone or in combination, do not show every element of Applicant's independent claims, a 35 USC § 103(a) rejection is not supported by the references. Reconsideration and withdrawal of the rejection are respectfully requested with respect to claims 4, 9, 16 and 19-20.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6944 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

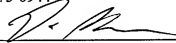
Respectfully submitted,

HUSAYN ALVAREZ-GOMARIZ ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6944

Date 3-23-06

By 
David C. Peterson
Reg. No. 47,857

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 23 day of March, 2006.

KATE GANNON
Name


Signature